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Mr. Jeremy Fletcher
Viewpoint Educational Foundation
23620 Mulholland Highway
Calabasas, CA 91302

CONDITIONAL CERTIFICATION FOR PROPOSED VIEWPOINT SCHOOL MODERNIZATION PROJECT MASTER PLAN PROJECT (CORPS' PROJECT NO. 2003-00947-JLB), DRY CANYON CREEK, CITY OF CALABASAS, LOS ANGELES COUNTY (FILE NO. 03-058)

Dear Mr. Fletcher:

Regional Board staff has reviewed your request on behalf of Viewpoint Educational Foundation for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project. Your application was deemed complete on February 3, 2004.

I hereby issue an order certifying that any discharge from the referenced project will comply with the applicable provisions of sections 301 (Effluent Limitations), 302 (Water Quality Related Effluent Limitations), 303 (Water Quality Standards and Implementation Plans), 306 (National Standards of Performance), and 307 (Toxic and Pretreatment Effluent Standards) of the Clean Water Act, and with other applicable requirements of State law. This discharge is also regulated under State Water Resources Control Board Order No. 2003 - 0017 - DWQ, "General Waste Discharge Requirements for Dredge and Fill Discharges that have received State Water Quality Certification" which requires compliance with all conditions of this Water Quality Certification.

The Applicant shall be liable civilly for any violations of this Certification in accordance with the California Water Code. This Certification does not eliminate the Applicant's responsibility to comply with any other applicable laws, requirements and/or permits.

Should you have questions concerning this Certification action, please contact Ms. Valerie Carrillo, Section 401 Program, at (213) 576-6759.

_____[Original signed by]_____
Dennis A. Dickerson
Executive Officer

April 21, 2004
Date

California Environmental Protection Agency

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption
For a list of simple ways to reduce demand and cut your energy costs, see the tips at: <http://www.swrcb.ca.gov/news/echallenge.html>



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ATTACHMENT A

Project Information File No. 03-058

1. Applicant: Mr. Jeremy Fletcher
Viewpoint Educational Foundation
23620 Mulholland Highway
Calabasas, CA 91302

Phone: (310) 966-5544 Fax: (310) 914-5996
2. Applicant's Agent: Ms. Rachel Tierney
Rachel Tierney Consulting
1011 San Carlos Rd.
Santa Barbara, CA 93103

Phone: (805) 957-1100 Fax: (805) 977-2050
3. Project Name: Viewpoint School Modernization Project Master Plan
4. Project Location: Calabasas area, Los Angeles County

Longitude: 34° 08' 13.2" Latitude: 118° 38' 28.0"
Longitude: 34° 08' 15.6" Latitude: 118° 38' 21.0"
Longitude: 34° 08' 16.2" Latitude: 118° 38' 16.8"
Longitude: 34° 08' 10.8" Latitude: 118° 38' 07.2"
5. Type of Project: School development
6. Project Description: *Purpose:*

The purpose of this project is a long-term, phased master plan for a school expansion including improved circulation, parking, a new classroom, gym, and auditorium facilities.

Phase 1: Spring 2004
Master Plan Completion: 2013

Description:

Viewpoint School is located in the foothills of the Santa Monica Mountains. Viewpoint recently acquired an adjacent 17-acre parcel for enlarging the campus to 25 acres. The new acquisition was an independent lower school, which was merged with Viewpoint within the coming year.

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Dry Canyon Creek enters from Mulholland Highway and its flow is carried for approximately 850 feet in a buried storm drain. The drainage daylights into a disturbed but naturally-based streambed for 330 feet. Flows then wind throughout the campuses within a series of open box culverts and buried storm drains for an additional 885 feet. The creek is either buried or confined within a concrete box culvert in the western half of the site, but retains a natural bottom and narrow riparian canopy cover downstream in the eastern half of the site.

Impacts:

The originally proposed impacts included 305 linear feet within an 8-foot wide area (2,440 square feet of 0.06 acres) of open culvert to be buried. An equal amount of buried culvert would have been opened, resulting in no net loss from what is existing currently.

After considering several alternatives and recent revisions to the proposed project, the Applicant eliminated the need for any direct impacts (opening or closing of the existing concrete culverts). Direct impacts proposed will now be limited to the installation of five (5) outfall structures only. One structure will carry flows which drain the slopes above Dry Canyon Cold Creek Road (off-site) to the channelized portion of the creek. The remaining four outfall structures will tie in stormwater from the new pervious loop road to the more natural portions of the creek. All temporary construction work will be located outside of jurisdictional "waters." Additionally, stormwater will either be pretreated in a grassy swale before passing through filters or be passed through filtration only.

- | | |
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| 7. Federal
Agency/Permit: | U.S. Army Corps of Engineers
NWP Nos. 14 & 33 (2003-00947-JLB) |
| 8. Other Required
Regulatory Approvals: | California Department of Fish and Game
Streambed Alteration Agreement
No. 1600-2003-5219-R5 |
| 9. California
Environmental Quality
Act (CEQA)
Compliance: | The City Council of the City of Calabasas approved the project's
Subsequent Final Environmental Impact Report (EIR No.
1392/2002, SCH No. 2001041007) in September 2003. |

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10. Receiving Water: Dry Canyon Creek, an ephemeral drainage tributary to Los Angeles River (Hydrologic Unit No. 405.21)
11. Designated Beneficial Uses: MUN*, GWR, REC-1, REC-2, WARM, WILD
*Conditional beneficial use
12. Impacted Waters of the United States: Non-wetland waters (vegetated streambed): 0.0012 permanent acres
13. Dredge Volume: None
14. Related Projects Implemented/to be Implemented by the Applicant: The Applicant has not identified any related projects carried out in the last 5 years or planned for implementation in the next 5 years.
15. Avoidance/Minimization Activities: The Applicant has proposed to implement several Best Management Practices, including, but not limited to, the following:
- Washout containment area;
 - Erosion control;
 - Installation of temporary fencing during grading activities; and
 - Removal of trash and wastes from site.
16. Proposed Compensatory Mitigation: The Applicant has proposed to provide restoration according to California Department of Fish and Game (Streambed Alteration Agreement) requirements. Restoration shall consist of on-site mitigation within the drainage at a ratio of 5:1 for a total of 0.005 acres.
- Additional mitigation shall include the planting of four coast live oaks and three sycamores near outfalls # 2-4.

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Conditions of Certification File No. 03-058

STANDARD CONDITIONS

Pursuant to §3860 of Title 23 of the California Code of Regulations (23 CCR), the following three standard conditions shall apply to this project:

1. This Certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to §13330 of the California Water Code and Article 6 (commencing with 23 CCR §3867).
2. This Certification action is not intended and shall not be construed to apply to any activity involving a hydroelectric facility and requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent Certification application was filed pursuant to 23 CCR Subsection 3855(b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. Certification is conditioned upon total payment of any fee required pursuant to 23 CCR Chapter 28 and owed by the Applicant.

ADDITIONAL CONDITIONS

Pursuant to 23 CCR §3859(a), the Applicant shall comply with the following additional conditions:

1. The Applicant shall submit to this Regional Board copies of any other final permits and agreements required for this project, including, but not limited to, the U.S. Army Corps of Engineers' Section 404 Permit and the California Department of Fish and Game's Streambed Alteration Agreement. **These documents shall be submitted prior to any discharge to waters of the state.**
2. The Applicant and all contractors employed by the Applicant shall have copies of this Certification, the approved maintenance plan, and all other regulatory approvals for this project on site at all times so they are familiar with all conditions set forth.
3. Fueling, lubrication, maintenance, operation, and storage of vehicles and equipment shall not result in a discharge or a threatened discharge to waters of the state. At no time shall the Applicant use any vehicle or equipment which leaks any substance that may impact water quality. Staging and storage areas for vehicles and equipment shall be located outside of waters of the State.

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4. No construction material, spoils, debris, or any other substances associated with this project that may adversely impact water quality standards, shall be located in a manner which may result in a discharge or a threatened discharge to waters of the state.
5. The Applicant shall implement all necessary control measures to prevent the degradation of water quality from the proposed project in order to maintain compliance with the Basin Plan. The discharge shall meet all effluent limitations and toxic and effluent standards established to comply with the applicable water quality standards and other appropriate requirements, including the provisions of Sections 301, 302, 303, 306, and 307 of the Clean Water Act. This Certification does not authorize the discharge by the applicant for any other activity than specifically described in the 404 Permit.
6. The discharge shall not: a) degrade surface water communities and populations including vertebrate, invertebrate, and plant species; b) promote the breeding of mosquitoes, gnats, black flies, midges, or other pests; c) alter the color, create visual contrast with the natural appearance, nor cause aesthetically undesirable discoloration of the receiving waters; d) cause formation of sludge deposits; or e) adversely affect any designated beneficial uses.
7. The Applicant shall coordinate with stakeholders, including the Mountains Restoration Trust, to facilitate long-term monitoring of Dry Canyon Creek, a tributary to the Los Angeles River, during and after completion of the proposed project. The long-term monitoring will demonstrate water quality objectives continue to be met for parameters outlined in the Los Angeles Regional Water Quality Control Board's Basin Plan for the Los Angeles River Watershed.
8. The Applicant shall allow the Regional Board and its authorized representative entry to the premises, including all mitigation sites, to inspect and undertake any activity to determine compliance with this Certification, or as otherwise authorized by the California Water Code.
9. Application of pesticides must be done by a certified applicator and compounds used must be appropriate to the target species and habitat. All pesticides directed to species that are located in water must be permitted through the Regional Board. As per State Water Resources Control Board Water Quality Order no. 2001-12-DWQ, a Notice of Intent for a National Pollutant Discharge Elimination System (NPDES) is the appropriate permit for water based pesticide application.
10. The Applicant shall not conduct any construction activities within waters of the state during a rainfall event. The Applicant shall maintain **a five-day (5-day) clear weather forecast** before conducting any operations within waters of the State.
11. No activities shall involve wet excavations (i.e., no excavations shall occur below the seasonal high water table). A minimum **5-foot** buffer zone shall be maintained above the

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existing groundwater level. If construction or groundwater dewatering is proposed or anticipated, the Applicant shall file a **Report of Waste Discharge** to this Regional Board and obtain any necessary NPDES permits/Waste Discharge Requirements prior to discharging waste. Sufficient time should be allowed to obtain any such permits (generally 180 days). If groundwater is encountered without the benefit of appropriate permits, the Applicant shall cease all activities in the areas where groundwater is present, file a Report of Waste Discharge to this Regional Board, and obtain any necessary permits prior to discharging waste.

12. All maintenance activities not included in this Certification, and which may require a permit, must be reported to the Regional Board for appropriate permitting. Bank stabilization and grading, as well as any other ground disturbances, are subject to restoration and revegetation requirements, and may require additional Certification action.
13. All surface waters, including ponded waters, shall be diverted away from areas undergoing grading, construction, excavation, vegetation removal, and/or any other activity which may result in a discharge to the receiving water. If surface water diversions are anticipated, the Applicant shall develop and submit a **Surface Water Diversion Plan** to this Regional Board. The plan shall include the proposed method and duration of diversion activities, erosion and sediment controls, and a map or drawing indicating the locations of diversion and discharge points. The plan shall be submitted prior to any surface water diversions. If surface flows are present, then upstream and downstream monitoring for pH, temperature, dissolved oxygen, turbidity, and total suspended solids shall be implemented. These constituents shall be monitored on a **daily** basis during the first week of diversion activities, and then on a **weekly** basis, thereafter, until the in-stream work is complete. Results of the analyses shall be submitted to this Regional Board by the **15th** day of each subsequent sampling month. A map or drawing indicating the locations of sampling points shall be included with each submittal. Diversion activities shall not result in the degradation of beneficial uses or exceedance of water quality objectives of the receiving waters. Any such violations may result in corrective and/or enforcement actions, including increased monitoring and sample collection.
14. The Applicant shall restore TEMPORARY IMPACTS to waters of the United States and all other areas of temporary disturbance which could result in a discharge or a threatened discharge to waters of the state. Restoration shall include grading of disturbed areas to pre-project contours and revegetation with native species. The Applicant shall implement appropriate Best Management Practices to control erosion and runoff from areas associated with this project.

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15. The Applicant shall provide COMPENSATORY MITIGATION to offset the proposed permanent impacts to **0.001 acres** of non-wetland vegetated streambed within waters of the United States by restoring riparian habitat at a minimum 5:1 area replacement ratio (0.005 acres). Restoration shall be in accordance with California Department of Fish and Game requirements.
16. All open space and mitigation areas shall be placed within a conservation easement to ensure preservation in perpetuity. Documentation of proper easement placement shall be submitted to the Regional Board when finalized.
17. The project proponent shall submit an **Annual Mitigation and Monitoring Report** by **January 1st** of each year. The report shall describe in detail all of the project activities actually performed during the previous year. This report shall include as a minimum, the following documentation:
 - (a) Color photo documentation of the pre- and post-project conditions;
 - (b) Geographical Positioning System (GPS) coordinates in decimal-degrees format outlining the boundary of the project and mitigation areas;
 - (c) The overall status of project including a detailed schedule of work;
 - (d) Copies of all permits as required in Additional Condition 1;
 - (e) Water quality monitoring results compiled in an easy to interpret format; and
 - (f) A certified Statement of “no net loss” of wetlands associated with this project.
18. All applications, reports, or information submitted to the Regional Board shall be signed:
 - (a) For corporations, by a principal executive officer at least of the level of vice president or his duly authorized representative, if such representative is responsible for the overall operation of the facility from which discharge originates.
 - (b) For a partnership, by a general partner.
 - (c) For a sole proprietorship, by the proprietor.
 - (d) For a municipal, state, or other public facility, by either a principal executive officer, ranking elected official, or other duly authorized employee.

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19. Each and any report submitted in accordance with this Certification shall contain the following completed declaration:

“I declare under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who managed the system or those directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Executed on the _____ day of _____ at _____.

(Signature)
(Title)”

20. All communications regarding this project and submitted to this Regional Board shall identify the Project File Number **03-058**. Submittals shall be sent to the attention of the Nonpoint Source Unit.
21. The Applicant shall have copies of this Certification and all other regulatory approvals on site at all times, and all contractors employed by the Applicant shall be made aware of the conditions of this Certification.
22. Any modifications of the proposed project may require submittal of a new Clean Water Act Section 401 Water Quality Certification application and appropriate filing fee.
23. The project shall comply with the local regulations associated with the Regional Board’s **Municipal Stormwater Permit** issued to Los Angeles County and co-permittees under NPDES No. CAS004001 and Waste Discharge Requirements Order No. 01-182. This includes the Standard Urban Storm Water Mitigation Plan (SUSMP) and all related implementing local ordinances and regulations for the control of stormwater pollution from new development and redevelopment. The project shall also comply with all requirements of the National Pollutant Discharge Elimination System (NPDES) **General Permit** for Storm Water Discharges Associated with Construction Activity, Order No. 99-08-DWQ. All stormwater treatment systems shall be located outside of any water of the State and shall not be used as a wetland or riparian mitigation credit.
24. Coverage under this Certification may be transferred to the extent the underlying federal permit may legally be transferred and further provided that the Applicant notifies the

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Executive Officer at least 30 days before the proposed transfer date, and the notice includes a written agreement between the existing and new Applicants containing a specific date of coverage, responsibility for compliance with this Certification, and liability between them.

25. The Applicant or their agents shall report any noncompliance. Any such information shall be provided verbally to the Executive Officer within 24 hours from the time the Applicant becomes aware of the circumstances. A written submission shall also be provided within five days of the time the Applicant becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected; the anticipated time it is expected to continue and steps taken or planned to reduce, eliminate and prevent recurrence of the noncompliance. The Executive Officer, or an authorized representative, may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.
26. *Enforcement:*
 - (a) In the event of any violation or threatened violation of the conditions of this Certification, the violation or threatened violation shall be subject to any remedies, penalties, process or sanctions as provided for under state law. For purposes of section 401(d) of the Clean Water Act, the applicability of any state law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this Certification.
 - (b) In response to a suspected violation of any condition of this Certification, the State Water Resources Control Board (SWRCB) may require the holder of any permit or license subject to this Certification to furnish, under penalty of perjury, any technical or monitoring reports the SWRCB deems appropriate, provided that the burden, including costs, of the reports shall be a reasonable relationship to the need for the reports and the benefits to be obtained from the reports.
 - (c) In response to any violation of the conditions of this Certification, the SWRCB may add to or modify the conditions of this Certification as appropriate to ensure compliance.
27. This Certification shall expire **five (5) years** from date of this Certification. The Applicant may request a renewal of this Certification 180 days prior to its termination, if the project as described has not been completed. Renewals may be granted in five-year (5-year) increments, are subject to additional filing fees and will require Regional Board approval. If the Applicant fails to request a renewal prior to the Certification's expiration, then the Applicant shall submit a new application and appropriate filing fees.